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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,786	01/11/2002	Peter D. Geiger	5143-03000	9379

7590 09/16/2003

MICHAEL P. ADAMS
WINSTEAD SECHREST & MINICK P.C.
P.O. BOX 50784/ 5400 RENAISSANCE TOWER
1201 ELM STREET
DALLAS, TX 75250-0784

EXAMINER

WILLIAMS, HOWARD L

ART,UNIT	PAPER NUMBER
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2819

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/044,786

Applicant(s)

GEIGER ET AL.

Examiner

Howard L Williams

Art Unit

2819

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see page 2.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 (4/24/03).
10. ☐ Other: _____

Howard L Williams
Primary Examiner
Art Unit: 2819

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Item 5 continued

The response does not show where support in applicants' own original disclosure there exists support for the phrase "operate independently."

The response also asserts that the examiner did not address the remarks of Mac Leans additional compaction processors affecting the statistics of the whole process. This was addressed on page 5 of the final rejection wherein it was stated that the division of the incoming stream means that any single compaction processor does not see the entire stream. Rather than showing dependence as the response argues, this shows independence.


Franasak may indeed build a shared dictionary; however, it seems that he does so to avoid the inefficiencies of dividing the stream and having it operated upon by truly independent operation of a plurality of same type algorithm compressors.

Freking clearly shows four variable length encoders (26A, 26B, 26C and 26D) operating in parallel.

In conclusion it is emphasized that without a clear showing of where in the present disclosure, as originally filed, support for independent operation is found, arguments to how the art of record is not independent will not carry the day.

Any inquiry concerning this communication should be directed to Howard L. Williams at telephone number 703-308-1679.

9/15/03


Howard L. Williams
Primary Examiner
Art Unit 2819